

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Toney Anthony White,

Plaintiff

v.

Carey,

Defendant

Case No.: 2:18-cv-00008-JAD-BNW

**Order Re: Requests for Clarification
and Extension of Time**

[ECF Nos. 39, 40]

On August 10, 2020, I entered a comprehensive order that granted plaintiff Toney Anthony White the opportunity to amend his complaint to allege all claims against all defendants that arise out of the threat that he claims Dean posed to him. White responded with a motion asking the court to clarify whether the scope of this ability to amend includes the “host of additional events” he sought to include, such as “claims based on medical indifference in delay in failing to treat a broken bone resulting from a fight connected to the threat, post-bone-break treatment by certain defendants and failure to adhere to bone specialists['] orders, retaliation for plaintiff[']s complaints regarding staff’s indifference to the threats and a cover-up; prolonged retaliatory solidarity confinement and policies which pertain.”¹

The court GRANTS that motion for clarification [ECF No. 39]² and states that the answer to White’s request for clarification is no; White may not add claims, allegations,

¹ ECF No. 39.

² White is cautioned that the court will typically deny motions for clarification when the answer to the question is clear in the court’s record, as the scope of his right to amend is in the August 10th order here. With hundreds of pending motions, the court does not have the luxury to respond to such questions. In an effort to move this case forward, however, and to avoid a bloated amended complaint, the court prioritized this request; it will likely not do so in the future.

1 **and defendants related to those additional events.** As I explained in the August 10, 2020,
2 order, the court perceives these additional events and factual bases to be “new and unrelated
3 factual situations” that “do not arise out of the same transaction, occurrence, or series of
4 transactions or occurrences. . . .”³ “If White desires to proceed with the claims arising from
5 those new events, actions, and inaction, he must do so in a new, separate case (or depending on
6 which defendants are impacted by those claims, several new, separate lawsuits) in which he must
7 file a new application to proceed *in forma pauperis*.”⁴

8 IT IS FURTHER ORDERED that White’s motion to extend time to file the amended
9 complaint that the court authorized in the August 10, 2020, order **[ECF No. 40] is GRANTED**
10 **in part.** White did not show good cause why he needs 45 days from clarification to file his
11 amended complaint when the court originally granted just 30. However, the court finds it
12 appropriate to run the 30 days from the date of the instant order. Accordingly, **White’s**
13 **September 10, 2020, deadline to file the amended complaint [ECF No. 38] is extended to**
14 **September 17, 2020.**

15
16 
U.S. District Judge Jennifer A. Dorsey
Dated: August 17, 2020

23 ³ ECF No. 38 at 3–5.

⁴ *Id.* at 5.